

(“The DSI”)

**TERMS OF REFERENCE**

**LEGISLATIVE DRAFTING TRAINING**

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| **N.B.** | **:** | ***By providing us with your Personal Information, you consent to the DSI processing your Personal Information, which the DSI undertakes to process strictly in accordance with the section 18 informed consent document.*** |

1. **BACKGROUND**

The Department of Science and Innovation (DSI) commits towards the achievement of excellence by having the right people, with the right skills, in the right place. The DST therefore, identified a need for a well-structured 3-5 days short course in Legislative Drafting Training for one delegate.

# The Department of Science and Innovation would like to secure the services of an independent provider to deliver 3-5 days short training course on Legislative Drafting Training for one delegate within the DSI the DSI invites service providers to submit a proposal for Contract Management short course.

1. **PURPOSE**

To procure the service of a training provider to offer a 3-5 Days Legislative Drafting Training–for one delegate. The Programme should at least be a contact session or online session.

1. **SPECIFICATION**

3.1. The appointed service provider will be expected to cover the following course.

Objectives/ outcomes: -

* Developing legal draft skills to enable sound technical skills.
* Draft legal documents in a correct clear concise and I a precise manner
* properly organize and format legislation
* The role of law in solving policy challenges
* Structure bills and amendments and streamline the drafting process.
* Pinpoint the role of law in solving policy challenges.
* Make use of legal innovation to influence policy development.
* Be part of drafting a new legislation
* Get an understanding on how new laws are made.
* Be involved and Practice drafting skills.
* Prepare a set of instructions for professional draftsmen.
* **NFORMATION TO BE FURNISHED BY RESPONDENTS IN THEIR PROPOSAL**
  + All prices quoted must include VAT and should be linked with specific tasks to be undertaken.
  1. A service provider should comply with the specification.

4.3 **The CV of the facilitator** – whom must have at least a minimum 2-3 years of facilitating a Legislative Drafting Training. An Honours qualification in any Legal related field is recommended.

4.5. The Programme should be a virtual/ online, interactive course. The course will

Commence once an order has been created.

1. **EVALUATION OF PROPOSALS**
   1. The proposals will go through three stages of the evaluation process which will include the following:
2. Mandatory Evaluation; and
3. Evaluation on Price and Specific Goals.
   1. **Mandatory and Administrative Requirements**

The following documents are compulsory and should be submitted together with the proposal; *failure to submit the following will result in disqualification*:

1. Proof of registration to the Central Supplier Database (CSD) held by National Treasury.
2. Compliant tax matters as per CSD or SARS e-filling.
3. Completed and signed SBD 1, SBD 4 and SBD 6.1.
4. Submit a certified B-BBEE certificate or Sworn Affidavit
5. **Latest Company registration documents (CIPC) with detailed particulars of ownership, failure to submit will not invalid your proposal but will score 0 points for strategic goals.**
6. A bid that fails to meet any pre-qualifying criteria, specifications/scope of work, terms and conditions stipulated in the tender documents is an unacceptable tender and will be disqualified.
7. Attach proven experience by providing a list of current and past contracts which are relevant to the required service in the bid specifications, according to the template in **Part A**: Client Base. Only the relevant experience shall be considered for bid evaluation purposes. Reference screening will be undertaken to confirm the validity of referees provided.;
8. Detailed company profile, which clearly spells out the relevant experience, knowledge and accreditation of the company as well as directorship.

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* 1. **Price and Specific Goals Evaluation**

Price inclusive of VAT will be evaluated as indicated below.

a) In terms of regulation 4 of the Preferential Procurement Regulations, 2022 pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated by the DSI on the 80/20 preference point system in terms of which points are awarded to service providers on the basis of:

- The bid price (maximum 80 points)

- Specific Goals mentioned below in Table1 (maximum 20 points)

Service providers can only claim specific goal credentials, by providing a detailed company ownership certificate.

b) The following formula will be used to calculate the points for price in respect of service providers with a rand value equal to or above R30 000.00 up to R50 000 000.00:

Ps = 80 

Where

Ps = Points scored for price of tender under consideration;

Pt = Price of tender under consideration;

Pmin = Price of lowest acceptable tender.

c) A maximum of 20 points will be awarded to a tenderer for the specific goal specified for the tender, as per the table below:

Table 1 – Specific goals

| **The specific goals allocated points in terms of this tender:** | **Number of points allocated (80/20 system)** |
| --- | --- |
| EMEs and QSEs | 05 |
| Companies owned by black people | 05 |
| Companies owned by women | 05 |
| Companies owned by youth | 03 |
| Companies owned by people with disabilities | 02 |

1. A bidder must submit proof of its Specific goals’ status.
2. A bidder failing to submit proof of Specific goals’ status or failing to meet the Specific goals, may not be disqualified, but (a) may only score points out of 80 for price; and (b) score 0 points out of 20 for Specific goals.
3. The points scored by a bidder for Specific goals in accordance with the preceding paragraphs 6.3(c) must be added to the points scored for price under paragraph 6.3(b).
4. The points scored must be rounded off to the nearest two decimal places.
5. If the price offered by a tenderer scoring the highest points is not market-related, the Department may not award the bid to that tenderer.
   * + The Department may negotiate a market-related price with the tenderer scoring the highest points or cancel the tender.
     + If the tenderer does not agree to a market-related price, the Department may negotiate a market-related price with the tenderer scoring the second highest points or cancel the tender.
     + If the tenderer scoring the second highest points does not agree to a market-related price, the Department may negotiate a market-related price with the tenderer scoring the third highest points or cancel the tender.
     + If a market-related price is not agreed in all the aforementioned respects, the Department must cancel the tender.
6. In the event that two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for specific goals. (2) If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots.
7. A contract may, on reasonable and justifiable grounds, be awarded to a bid that did not score the highest number of points.

**NB:** **All costs that the service provider may incur due to the preparation of the project for the DSI shall be the sole responsibility of the service provider.**

1. **AWARDING OF THE BID**
   1. The successful service provider will work in close collaboration with the DSI team so as to ensure that the objectives of the Department are accommodated.
   2. The successful service provider **may be** required to enter into a service level agreement with the Department.
2. **SUBMISSION OF PROPOSALS**
   1. The deadline for the proposal is 8 May 2023 at **11:00**.
   2. The proposals should be sent to the relevant SCM Practitioner who sourced quotations using the details provided through the email used to source. It should be noted that no documents can be delivered to the DSI building.
3. **CONTACT PERSONS**

Enquiries relating to this request should be addressed to the SCM Practitioner who sourced quotations.

| **Name of client / organization where contract is being executed/was executed** | | **Description of Contract Services** | **Physical Address of the Client/ organization** | **Contact persons and telephone numbers of your client** | **Contract period (indicate start and end dates)** e.g. 1 April 2012 to 31 March 2015 | **Is the contract Current or Past?** (please indicate accordingly) |
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| 5. |  |  |  |  |  |  |
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| 8. |  |  |  |  |  |  |
| 9. |  |  |  |  |  |  |
| 10. |  |  |  |  |  |  |

**NB: DSI reserves the right to verify the contents of this list directly with the bidders’ clients and also conduct site inspections**